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Correspondence, state printing
contract

N.C. Dept. of labor and Printing

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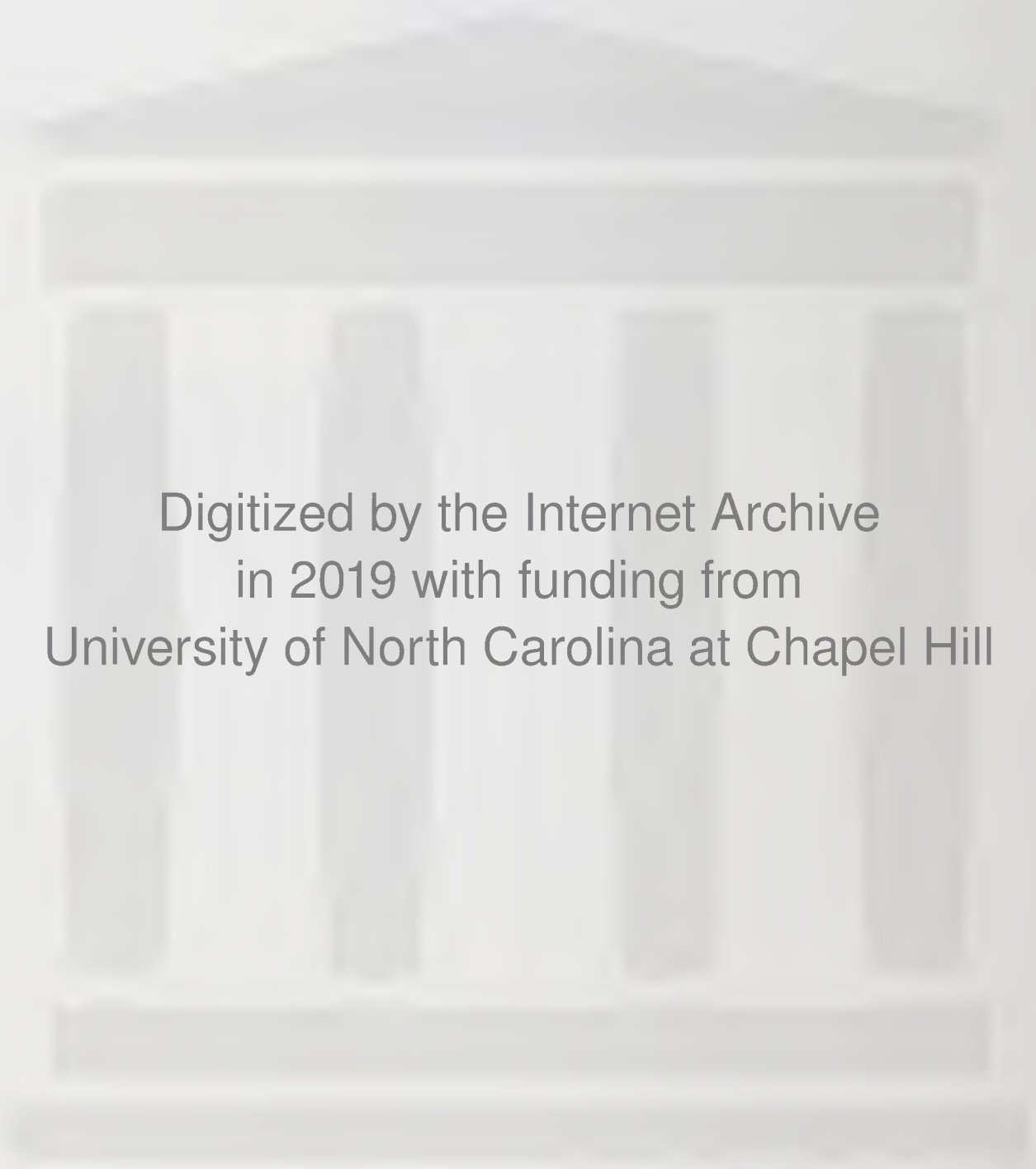
CORRESPONDENCE
AND INTERVIEWS

REGARDING

STATE PRINTING CONTRACT

AND THE CONTENTIONS OF ONE OF THE
FIVE CONTRACTORS RELATIVE
THERE TO

COMPILED FOR THE INFORMATION OF
MEMBERS OF THE GENERAL ASSEMBLY
1923



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LETTER OF CHIEF JUSTICE CLARK AS TO CHARACTER OF WORK ON VOLUME 132

RALEIGH, March 31, 1922.

Department of Printing, Office.

DEAR SIRs:—I have looked over the volume of 132 N. C., and I do not think that the State ought to accept it or let it go out to the profession and to the public.

I do not know how it has happened that a reputable house, as the publishers are, has let it be printed in its present form. I have never seen in my entire life a volume that so completely swarms with errors of every kind. Not only words are misspelled or substituted, but they are often omitted. The paging is faulty, the spacing is unequal and irregular, and so are the margins.

I do not wish to be critical, but as a lawyer I do not think that the volume should go to the profession, and it would be a discredit to the State to put so faulty a book on the market.

Certainly the work ought to be reprinted and the present edition canceled.

I need not point out to your Department the errors in this publication, for there is scarcely a page that is without them. Altogether it is the worst job I have ever seen. The errors will speak for themselves. It should not go out to the public as a volume of the Reports of this State until it is reprinted.

Yours truly,

WALTER CLARK.

SECRETARY OF STATE REQUESTS THAT PAYMENT BE WITHHELD

RALEIGH, April 10, 1922.

HON. J. BRYAN GRIMES, *Secretary of State,*
Raleigh, N. C.

DEAR SIR:—We enclose copy of letter from Chief Justice Clark relative to the character of work done on the reprint of Volume 132, N. C. Supreme Court Reports, and the condition in which he finds this reprint.

This is the volume which was the subject of your telephone message to this Department on March 31st, requesting that payment for same be withheld until investigation as to its condition could be made.

You will please advise this Department whether it is your purpose to accept this volume and make sale and distribution of it in the condition in which you find it, or whether this Department shall cancel the first order and place another for a corrected edition.

Yours very truly,

DEPARTMENT OF LABOR AND PRINTING,

M. L. SHIPMAN, *Commissioner.*

FIRST LETTER FROM EDWARDS & BROUGHTON PRINTING COMPANY

RALEIGH, N. C., November 25, 1922.

STATE PRINTING COMMISSION,
Raleigh, N. C.

GENTLEMEN:—Prior to the 1921 strike Volume 132 of the North Carolina Reports was allotted to this company for reprint, and we proceeded with the work in the usual way. The proofs were submitted to Judge Clark in accordance with instructions, and he returned them to us with his corrections. The volume was printed during the summer and fall of 1921. Upon requests from the State for these books, we delivered 1,182 volumes previous to March 25, 1922. There was no suggestion from anyone that the volume was not satisfactory until April 10, when we attempted to make delivery of the last 68 volumes, and were then notified over the telephone by some employee of the State Department that the reprint was not acceptable.

About October 10, 1922, this company decided to print again the 132d Volume, North Carolina Reports, without prejudice—the Commissioner of Labor and Printing, Mr. Shipman, having agreed to furnish State paper at cost and permit us to use the binding now on that volume, these used covers to be cased in instead of laced on without reduction in price. We were instructed by Mr. Nichols to deliver proofs of this reprint to him and not to Judge Clark. This was done, but they have been returned marked “Not read.”

It has been the custom for important printed matter to be proof-read by some responsible official or employee of the State, and we have understood that Judge Clark was the proper official to receive and proof-read the prints and reprints of the North Carolina Reports. Heretofore we have printed these volumes upon his return of the proofs, but we are now faced with a specific order from the Assistant Commissioner of Labor and Printing not to submit these proofs to Judge Clark. Therefore, we are compelled to call upon the Printing Commission for a ruling as to the proper person to whom we shall submit the proofs of this volume of the North Carolina Reports, and to ask upon whose corrections it shall be printed. We are unwilling to assume the final responsibility for the proofreading of the North Carolina Reports, and we feel that the State would not permit us to do so.

The custom in printing is to submit proofs to the customer. His corrections, as noted on the proofs, are duly made and the forms are then printed. In view of the fact that Mr. Nichols has instructed us not to send the proofs to Judge Clark, and since he returns the proofs that have

been sent to him endorsed, "Not read," we do not know to whom they should be sent for the final O. K. as to the correctness of the wording. For this reason we respectfully ask the Printing Commission to instruct us to whom they shall be sent, so that we can proceed with this book according to the usual custom of printing.

In view of the fact that this company has now on hand 1,250 volumes of this same Report, which were refused under the circumstances related herein, said volumes costing approximately \$3,500.00, we respectfully ask the Commission to give us the ruling requested, to the end that we may submit proofs without further delay, and thus expedite the completion of this reprint.

Very truly yours,
EDWARDS & BROUGHTON PRINTING COMPANY,
CHAS. LEE SMITH, *President*.

Copies to—

Hon. Cameron Morrison, Chairman;
Hon. J. Bryan Grimes,
Hon. Baxter Durham,
Hon. B. R. Lacy,
Hon. E. C. Brooks,
Hon. James S. Manning,
Hon. M. L. Shipman, Secretary;
Hon. Walter Clark,
Mr. L. E. Nichols.

REPLY OF CHIEF JUSTICE CLARK

RALEIGH, 27 November, 1922.

DR. CHARLES LEE SMITH, *President*,
Edwards & Broughton Printing Co.,
Raleigh, N. C.

MY DEAR SIR:—I have received the enclosure which you sent me of a copy of your letter to the State Printing Commission.

It is incomprehensible to me that you should claim that I was proof-reader of your establishment of the 132 N. C. Reports, which you printed for the State.

It was your business to furnish the proof-reader, and for any defect in that respect the responsibility rests upon you and your company. The State furnished, at its own expense, a Printing Commissioner, to whom your work was to be submitted, and by whom it was to be approved before being paid for. It seems that Commissioner did not approve of your work and declined to pay for it.

My duty in regard to the matter was simply to annotate these volumes, and as *that part* of the work was legal, the Commissioner had your printing sent to me to verify these citations—merely that and nothing more.

I have been doing this work for the State since 1898—24 years—and have read the proof of these annotations for several printers, among them your company. This is the first time I have heard it claimed that I was responsible for the proof-reading of any of these volumes, *beyond my annotations* at the end of the cases.

You knew that I usually returned the proofs in two or three hours, often by the messenger that brought them, always on the same day, and that I could not possibly have read the whole proof. You knew that outside of the annotations your proof-reader, and not I, was responsible for the work.

You also knew that for the most of these volumes I received for my work only \$25 each; \$50 each for a few volumes, and \$75 each for the latest volumes, when the annotations got heavier, and you knew that I could not for that amount, besides making all the annotations, read *all the proof*, and undertake to become responsible for all the deficiencies in your work.

Your claim is so very remarkable that I am sending a copy of this letter to each member of the Printing Commission. As to your complaint that Mr. Nichols has instructed you not to send proofs to me, it is probably due to the fact that I duly read the annotations and corrected them in this volume, and since the Commission has rejected the volume, it is only necessary that you in your reprint of it should take the annotations which I read in your first printing of this volume.

Yours truly,

WALTER CLARK.

Copies to—

Hon. Cameron Morrison,
Hon. J. Bryan Grimes,
Hon. Baxter Durham,
Hon. B. R. Lacy,
Hon. E. C. Brooks,
Hon. James S. Manning,
Hon. M. L. Shipman,
Hon. L. E. Nichols.

REPLY OF DEPARTMENT OF LABOR AND PRINTING

RALEIGH, November 28, 1922.

DR. CHARLES LEE SMITH, *President,*
Edwards & Broughton Printing Co.,
Raleigh, N. C.

DEAR SIR:—I am in receipt of a copy of your letter to the Printing Commission, dated November 25th, relative to Volume 132, N. C. Supreme Court Reports, which you are now reprinting.

Inasmuch as the point raised is as to a supervisory detail devolved by law and the terms of your contract upon this Department, the Printing

Commission will, of course, not take cognizance of it, much less will it assume to direct as to a matter necessarily resting in the sound judgment and discretion of this Department; and I am surprised that it should be made the subject of a letter to that body, especially since in two recent conferences between you and myself this very question was broached by you, and the understanding arrived at relative thereto was confirmed by you, in a letter dated October 10th, in the following language:

“As promised, proof will be sent to Mr. Nichols, and we hope to complete the order without delay.”

At the last conference it was particularly pointed out that it would be impossible (for lack of time) for the Assistant Commissioner to read the proof in detail, but that he would check it up for spacing, paging, running folios, general style, etc., in which matters the new proofs themselves showed your printers deficient. This has been done as to all proof so far submitted, and something like 225 pages have been so handled. It was pointed out that it would only be necessary for you to follow the reprint copy and the corrections marked therein. You and your proofreader left me apparently satisfied with this.

You do not state the facts in your letter to the Printing Commission, and it is deemed advisable to restate the history of the matter.

The order for the printing of this volume was placed with you on February 18, 1921.

Copies of the printed volume were submitted to this Department, with bill, some time in April, 1922.

Upon inspection of the work for the purpose of approving the bill for payment, its character was disclosed, and the matter was immediately called to the attention of your company.

It was later agreed between your representative and myself, in order to prevent a complete loss to you, that in lieu of complete rejection, your company would be permitted to salvage the volume by reprinting and pasting in 112 pages, upon which the most glaring errors and omissions occurred, printing and inserting a few pages of errata covering some not so glaring, and that the others would be overlooked.

Your company undertook to handle the volume in this way, submitted copies so corrected, and this Department paid \$1,000 on account.

When this had been done, you were unwilling that a volume so mutilated should be sent out to the legal profession bearing your imprint.

You came to me and stated that you wished to reprint the volume, and requested, in view of the loss you would sustain, that the State furnish the paper for reprinting. I stated to you that this could not be done. It was then agreed that this Department would sell the paper to you at our cost, and that the original covers might be used if securely and permanently put on.

The understanding as to the proof was as hereinbefore stated.

The suggestion that the proof be sent to Mr. Nichols was made by you to me. No word of instruction relative to the reprinting of this volume, I believe, has passed from Mr. Nichols to you.

The Assistant Commissioner will, of course, at all times accept full responsibility for his connection with the State's printing; but I would not have you ring him in on a matter that has been the subject of treaty solely between you and myself.

Your contract stipulates that proofs and revises shall be submitted when required, and the persons to whom they are to be sent are named in the order from this Department.

The law placed the supervision of the State printing under the jurisdiction of this Department; and in order to supervise it, it is necessary to see it. Therefore, proofs will be required whenever in our judgment it is desirable to have them.

You say:

"We are unwilling to assume final responsibility for the proofreading of the North Carolina Reports."

This is the inescapable responsibility you assumed when you entered into a contract with the State to do a part of its printing.

You contracted to do the work in "a first-class, workmanlike manner, up to the standard heretofore maintained."

Correct printing involves accurate proofreading. Proofreading requires practiced eyes and technical training in the trade.

You held yourself out to the State as having all that was requisite, in men and equipment, to the performance of the work in "a first-class, workmanlike manner, up to the standard maintained."

The State has never agreed to accept Chief Justice Clark, or any one else not technically trained as proofreader, to relieve you of your contractual obligation in this respect. It must always hold the contractor responsible for the character of the finished product.

A reasonable compliance with the terms of your contract should do away with all occasion for controversy.

Assuring you of our willingness to coöperate with you to this end,
I am,

Very truly,

M. L. SHIPMAN,
Commissioner.

Copies to—

Hon. Cameron Morrison, Governor;
Hon. J. Bryan Grimes,
Hon. B. R. Lacy,
Hon. Baxter Durham,
Hon. E. C. Brooks,
Hon. James S. Manning,
Chief Justice Walter Clark.

SECOND LETTER OF CONTRACTOR TO THE STATE PRINTING COMMISSION

(Given to the Press by the Contractor)

RALEIGH, N. C., December 12, 1922.

THE STATE PRINTING COMMISSION,
Raleigh, N. C.

GENTLEMEN :—On the 25th ultimo we wrote you with special reference to Volume 132, North Carolina Supreme Court Reports, sending a copy of this letter to the Chairman, to the Secretary, and to each of the other members of the State Printing Commission. We deem the subject-matter of sufficient importance to justify another letter, in view of the fact that we have no official acknowledgment of our first letter from the State Printing Commission.

We have heretofore been directed by the office of the Commissioner of Labor and Printing to submit proofs of all important State printing, including the Supreme Court Reports, and upon the return to us of the corrected proofs, we have proceeded with the printing.

With particular reference to the North Carolina Supreme Court Reports, we have heretofore been directed to send the proofs to Chief Justice Clark, who made the necessary corrections, and upon receipt from him of the corrected proofs, we have proceeded with the printing and completion of the volumes. With respect to the Reports, we understand that this was an authorized procedure, and this has been borne out by the fact that in each instance, we have been instructed by the Commissioner of Labor and Printing to make payment to Chief Justice Clark of the fees charged by him for "editing and annotating" these Reports, the amounts so charged ranging from \$25.00 to \$75.00 per volume, and to charge these amounts in the printing bill submitted to the Commissioner of Labor and Printing. In a number of cases in the reprints, we are advised that certain statements of facts, as they appeared in the original Reports, have been omitted or very substantially reduced, and this is an additional reason for having all proofs read by the editor and annotator.

In connection with the reprint of the 132 North Carolina Report, now in progress, we were instructed by the office of the Commissioner of Labor and Printing not to send proofs to Chief Justice Clark, as had been our practice for a number of years, but to send them to Mr. Nichols, Assistant Commissioner of Labor and Printing. When, therefore, we received these instructions, we were to a certain extent surprised. Inasmuch, however, as the work was to be done under the supervision of the office of the Commissioner of Labor and Printing, we had no reason to demur to this change of established procedure, and accordingly sent

proofs to Mr. Nichols. Our amazement may, therefore, be imagined when the proofs were returned to us from Mr. Nichols with the endorsement, "Not read."

Because of the character of the work involved in the printing and reprinting of the North Carolina Court Reports, we informed you in our letter of the 25th ultimo that "we are unwilling to assume final responsibility for the proofreading of the North Carolina Reports." Our reasons for this position must be apparent to you and certainly they are all the more important when taken in connection with the fact that the office of the Commissioner of Labor and Printing has not endeavored to coöperate with us, but on the contrary has indicated an attitude towards our work which has caused us serious embarrassment. We addressed our communication with reference to this matter to the State Printing Commission, for the reason that our contract for the State printing was made with the Commission, and we supposed that it was not only our privilege, but our right and duty to bring to the attention of your Commission any matter relating to our contract, and that such matter would receive the official attention of the Commission. As yet, we have not received from your Commission any official acknowledgment of our letter of the 25th ultimo, but we have received from Hon. M. L. Shipman, who writes as the Commissioner of Labor and Printing, and not as Secretary of the State Printing Commission, a letter dated the 28th ultimo, acknowledging the copy sent to him, in which he says: "Inasmuch as the point raised is as to the supervisory detail devolved by law and the terms of your contract upon this Department, the Printing Commission will, of course, not take cognizance of it, much less will it assume to direct, as the matter necessarily rests on the sound judgment and discretion of this Department."

The ruling of the Commissioner, therefore, denies to us the right to bring this matter to your official attention for such action as you may deem proper, after you have afforded us an opportunity to be heard concerning it.

We are of the opinion that a matter involving a question as to whether the office of the Commissioner of Labor and Printing is following the law and is attempting its supervision contrary to the terms of the law, passes considerably beyond the question of "supervisory detail." We do not believe that you would permit a matter in which we have such vital interest to be decided, and finally disposed of, by a single member of the Commission, in view of the fact that our contract is with the State Printing Commission and not with the Department of Labor and Printing.

The Assistant Commissioner of Labor and Printing having returned the proofs of the 132 North Carolina Reports unread, we hesitate to involve the expenditure and possible loss to ourselves in connection with the printing of this Report, in the absence of advice from the Printing Commission as to the questions raised with respect to the proofreading.

Prior to May, 1921, no question of the kind presented by this letter ever arose, nor, we may say, until the viewpoint of the Assistant Commissioner of Labor and Printing, Mr. Nichols, with respect to the program of the State printing, had become a part and parcel of the policy of the Department. Since that time such work as has been allotted to us has been small in amount and allotted under such conditions as to make it unprofitable, vexatious and embarrassing.

We have placed these facts before the State Printing Commission with the request and hope that you would give the matter your unbiased consideration, and that you might call upon us for any further and more definite information, and for any explanation that the Department of Labor and Printing might care to make.

In further connection with this matter, we invite your attention to the fact that our services to the State have covered a period of many years, and we pride ourselves in the manner in which we have been permitted to serve.

We respectfully request an investigation of the merits of our position, to the end that such relief as the facts warrant may be granted.

Respectfully yours,

EDWARDS & BROUGHTON PRINTING CO.,

CHAS. LEE SMITH, *President*.

Copies to—

Hon. Cameron Morrison, Chairman;

Hon. J. Bryan Grimes,

Hon. Baxter Durham,

Hon. B. R. Lacy,

Hon. E. C. Brooks,

Hon. James S. Manning,

Hon. M. L. Shipman, Secretary;

Hon. Walter Clark,

Mr. L. E. Nichols.

REPLY OF DEPARTMENT OF LABOR AND PRINTING TO SECOND LETTER OF CONTRACTOR

RALEIGH, December 14, 1922.

DR. CHARLES LEE SMITH, *President*,
Edwards & Broughton Printing Co.,
Raleigh, N. C.

DEAR SIR:—We are in receipt of a copy of your second letter to the State Printing Commission, relative to Volume 132, which you volunteered to reprint, for the reasons stated and under the terms and conditions enumerated in our letter to you, dated November 28th.

The position of the Department as to this detail of administration is final and (as we construe the law and the terms of the contract) controlling.

The Printing Commission will not, of course, do the futile thing of attempting to substitute its judgment for ours in a matter the very nature of which calls for the exercise of sound judgment and discretion on the part of this Department in its supervision of the State printing, nor should it be expected to take formal and official cognizance of a point so puerile as that raised by you as to proofs.

Having falsely represented to the Printing Commission in three different paragraphs of your original complaint that the Assistant Commissioner had directed the sending of proofs, you now falsely state, and affect "surprise," that "we were instructed by the office of the Commissioner of Labor and Printing," in spite of the reminder in our letter and your own knowledge of the fact that it was your own voluntary, unprompted suggestion.

You also now confess to a feeling of "amazement" that the proofs should have been returned marked "Not read," when with your own proofreader and your son present with us in this Department it was particularly pointed out that the proofs would not be read, but checked up for spacing, pagination, running folios, general style, etc., in which matters the new proofs themselves showed your printers deficient. You and your proofreader expressed confidence in the ability of your office to reproduce the volume from the reprint copy.

The discovery that you could not safely undertake such a task was apparently made after our last conference. But this fact cannot operate to relieve you of your contractual obligation in this regard.

Your statement that "the office of the Commissioner of Labor and Printing has not endeavored to coöperate with us," is false and baseless, within your own knowledge. On the contrary, in an effort to protect your company from the necessity for the absolute rejection of your work, and in order that the State might receive it in usable condition, this Department has found it necessary to expend three times as much labor in connection with the work handled by you as should have been required. Volume 132 is an example of your product when not supervised.

Yours is a plea of confession and avoidance. You insist you must be relieved of a responsibility that has been the printer's since the days of Gutenberg.

There is not a shred of truth in your statement that there has been a change in the policy of the Department in derogation of your rights as a contractor. The policy of this Department has been consistent and uniform. All contractors are treated exactly alike. You alone of the five admit you cannot do your work in the usual way.

There has been a change in conditions.

On one of the many occasions your superintendent was called to this Department to see printed matter spoiled by your company, he said: "No excuse can be offered for that kind of work. I hope you don't blame me personally for it. It is impossible for me to supervise every

detail. You must consider the fact that we had to put in a force of people, many of whom had never seen the inside of a printing office, and train them."

During this period of training, the State's printing has been roughly used by strange and inexperienced hands, and has suffered greatly in quality, even after the greatest care and closest supervision.

Every charge you have made or may make, secretly or openly, of unfair dealing on the part of this Department, is susceptible of complete and conclusive refutation. But we cannot proceed on generalities.

We therefore call upon you for a bill of particulars, and challenge you to put in writing, fully and completely, every statement, allegation, or insinuation of unfairness, partiality, or improper conduct at any time on the part of any member of this Department in their dealings with your company or affecting your contract, together with the names of all persons to whom you have made any such statement, allegation, or insinuation, file a copy with the State Printing Commission and a copy with this Department; and we will prove to the satisfaction of any open-minded person that each and every one of them is recklessly and maliciously false.

We shall insist upon an open meeting and an invitation to the press to give the widest publicity to the facts developed.

DEPARTMENT OF LABOR AND PRINTING,

M. L. SHIPMAN,

Commissioner.

LAWRENCE E. NICHOLS,

Assistant Commissioner.

Copies to—

Hon. Cameron Morrison, Chairman;

Hon. J. Bryan Grimes,

Hon. Baxter Durham,

Hon. B. R. Lacy,

Hon. E. C. Brooks,

Hon. James S. Manning,

Chief Justice Walter Clark.

STATEMENT TO THE PRESS BY EDWARDS & BROUGHTON PRINTING COMPANY

(From *News and Observer*, December 17)

Dr. Charles Lee Smith, President of the Edwards & Broughton Printing Company, when interviewed yesterday, made the following statement:

I do not think that there was anything in the letter of the Edwards & Broughton Printing Company to the State Printing Commission, a copy of which was sent to Mr. Shipman, to call forth the outburst of passion from Commissioner Shipman and Assistant Commissioner Nichols, as appears from the letter published Friday morning. I have

counselled with my attorneys, Major Allen and Major Manning, about the request made in my letter to the State Printing Commission under date of the 12th instant, and the reply thereto of Commissioner Shipman and Assistant Commissioner Nichols, and it is perfectly apparent to me as well as to them, that the sole object of their reply is to divert the attention of the Commission and the public generally from the request made in my letter.

When the Edwards & Broughton Printing Company undertook, for the second time, to reprint the 132 North Carolina Report, it was ordered to send the proofs to the Assistant Commissioner of Labor and Printing and not to Chief Justice Clark, and upon the return of the proofs with the notation "Not read," I consulted with my attorneys, and at this conference I learned for the first time that there were certain omissions of statements of fact from the reprint, and was advised that there was no statutory authority for such omissions. At this same conference, when I informed my attorneys that I have been instructed by the Commissioner of Labor and Printing to pay with the check of my company, the charges made by Chief Justice Clark for editing and annotating the Reports, and to include such charge in the bill to be submitted to the Commissioner, I was advised by them that the Commissioner of Labor and Printing was without lawful authority to make such an order and that Chief Justice Clark had no right to receive such payments in such manner, and that he had no right to receive any fees or emoluments except those prescribed by the Legislature. It thereupon became necessary to ascertain who was responsible for the proofreading and the omission of the statement of facts. I feel that the legal profession is entitled to a full reprint, especially in view of the fact that the retail price of North Carolina Reports has been advanced from \$1.50 per volume to \$3.00 per volume, and I am informed that many able lawyers regard these omissions as a very serious matter, and I resent being required by the Department of Labor and Printing to reprint a volume in a manner for which there is no authority in law, and of which I was innocent until this controversy arose. The statute provides the manner in which the reprinting shall be done and how the cost, including the fees for editing and annotating, shall be paid, and it will not be controverted that the Commissioner of Labor and Printing and Chief Justice Clark were advertent to this statute.

The omission of the statements of fact was authorized by the Commissioner of Labor and Printing or else made by some one in a high-handed manner, and I feel that unless the responsibility for the omissions and the proofreading is placed upon someone, the very same officials who have rejected one reprint of this Report for errors, could reject the reprint now being made upon the grounds that it is not a full reprint. Fortunately, some of the original proofs of the rejected reprint are still in the possession of my company and they show that they were read and corrected, not only in respect to annotations, but to the text generally.

A reading of Mr. Shipman's letter undoubtedly leaves the impression that it is a studious effort to convince the public that the Edwards & Broughton Printing Company are not good printers. The Commissioner apparently takes pride in boasting of the inability of my company to do work satisfactory to my department, at a time when we have the largest number of satisfied customers in our history.

Messrs. Shipman and Nichols declare in their communication that the position of the Department upon the question of the reprint is final and controlling, and in the same communication they invite my company to appear before the Printing Commission with a bill of particulars. The mental gymnastics of these officials are like unto those of the lawyer who goes into court and in one motion denies the jurisdiction of the court over the subject-matter and in the same motion demands a bill of particulars. I am advised by my attorneys that a bill of particulars is entirely out of order and that I have already furnished full details of my position with respect to the question involved.

Messrs. Shipman and Nichols appear greatly irritated that any complaint should be made to the Printing Commission with respect to their Department. The right of citizens to criticize an administrative department seems to have been recognized, and no one should be better acquainted with this fact than Mr. Nichols himself, who was chairman of the Committee on Resolutions at a meeting of the North Carolina Federation of Labor at Wrightsville Beach during August, 1922, when a resolution criticizing the Executive Department of this State in the employment of the military forces during the railroad strike, presumably passed through his hands and presumably through his committee unanimously approved and without any recorded protest from him.

COMMISSIONER SHIPMAN'S REPLY TO STATEMENT

(News and Observer, December 17)

If Dr. Smith's attorneys, whom he admits consulting very frequently, advised him that it was any part of his business, as a contractor, to scrutinize for legal technicalities or to censor the subject-matter of any State publication, or that he assumed any responsibility in connection therewith other than to reproduce it as furnished to him by the State, then we predict he will soon be regretting the money he pays to his legal advisers.

In constituting himself a committee of one to look after the interests of the legal profession in connection with the State printing, he is a volunteer simply; his contract does not contemplate it, nor does it provide compensation therefor.

The doctor and his attorneys are admittedly qualified to speak on the question of mental gymnastics. All of their performances are "up in the air."

The doctor charged in his second letter to the Printing Commission that "The office of the Commissioner of Labor and Printing has not endeavored to coöperate with us, but, on the contrary, has indicated an attitude towards our work which has caused us serious embarrassment"; intimating that it "is attempting its supervision contrary to the terms of the law"; that partiality was shown in the distribution of the work, etc.

Now, if his attorneys have advised him and he is acting on the advice that, after making such charges, he can evade our demand for a bill of particulars—then he and they have a very poor conception of the obligation, moral and legal, resting upon him under such circumstances.

We have called upon this contractor for a bill of particulars, and are anxious, instead of trying the merits of the case in the newspapers, to have the facts developed under oath before a duly constituted body.

He cannot honorably refuse to come forward in response to our challenge.

This should prove an antidote for loose and irresponsible talk.

COMMISSIONER SHIPMAN'S LETTER TO GOVERNOR MORRISON, CHAIRMAN OF THE PRINTING COMMISSION

RALEIGH, December 18, 1922.

DEAR GOVERNOR MORRISON:—When you shall have had time to read and digest the letters that have passed between Edwards & Broughton Printing Company and this Department, based upon the company's representations to the Printing Commission as to proofreading, you will understand that the Department has dealt with the matter in the usual and only practical way. Every printer understands that.

We will not, therefore, ask for a meeting of the Commission to consider so ridiculous a proposition.

This company has, however, in its second letter to the Commission, made representations of a character calling for proof.

We have called upon it for a bill of particulars, and upon its presentation, and after reasonable time for preparation of our side of the case, we very much desire that all points raised be gone into with the greatest thoroughness, so that the truth may be developed, and Dr. Smith, who has for three or four years conducted a secret campaign of falsehood and misrepresentation against this Department, be rendered impotent to harm by this method in future.

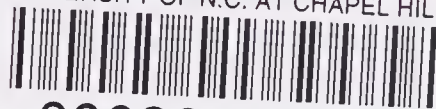
It is our wish to clean the slate with one stroke of the sponge.

Yours very truly,

M. L. SHIPMAN,
Commissioner.

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